

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 24, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Participate in the Western States Contracting Alliance Master Price Agreement with Dell Marketing L.P. by Issuing Purchase Orders for Dell Computing Equipment and Related Services and to Take Any Necessary Implementing Actions**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager or his designee to participate in the WSCA Master Price Agreement with Dell Marketing L.P., for the period ending August 31, 2012, and for the extension through August 31, 2014, if such option is exercised by issuing a purchase order to Dell Marketing L.P., for Dell computing equipment and related services not to exceed \$450,000 in FY 2010/11, and by issuing purchase orders to Dell Marketing L.P., for computing equipment, subject to the adoption of the applicable budget, in subsequent fiscal years through

2014, in the amount appropriated in each such budget; and to execute any implementing documents and take any implementing actions as necessary.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Approval of Final Map, Improvement Plans, Improvement Agreements for Construction of Public Improvements (High Street, Union Street and Trail Improvements) and Private Street Improvements (Farallon Common, Briones Terrace, Asilomar Terrace, Union Common, Estero Terrace, Moss Landing Terrace, Pescadero Terrace, Pinnacles Terrace, Pismo Terrace, Tamalpais Terrace, Tassajara Terrace and Tomales Terrace), and Dedication of Land and Public Easements for Tract 7910**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-26:

1. Approving the Final Map and the Improvement Plans for Tract 7910.
2. Approving the Agreement for Public Improvements entitled, "Public Improvement Agreement, Tract 7910", with the developer, Pulte Home Corporation Inc., a Michigan corporation, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled, "Private Improvement Agreement, Tract 7910", with the developer, Pulte Home Corporation Inc., a Michigan corporation, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer's offer of dedication of land, as identified on the Final Map, provided that the acceptance of the offer of dedication for any public improvements shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Approval of Final Map, Improvement Plans, Improvement Agreements for Construction of Public Improvements (Fremont Boulevard) and Private Improvements (Wild Indigo Common and Wild Indigo Terrace), and Dedication of Public Easements for Tract 7972**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-27:

1. Approving the Final Map and the Improvement Plans for Tract 7972.
2. Approving the Agreement for Public Improvements entitled, "Improvement Agreement, Tract 7972", with the developer, The Robert F. Gallo Trust, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled, "Private Improvement Agreement, Tract 7972", with the developer, The Robert F. Gallo Trust, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer's offer of dedication of easements, as identified on the Final Map.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$193,245 to the Lowest Responsible Bidder for the Irvington Area Pedestrian Improvements Project on Fremont Boulevard between Eugene Street and Washington Boulevard, City Project No. 8704 (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Approved the plans and specifications for the Irvington Area Pedestrian Improvements Project on Fremont Boulevard between Eugene Street and Washington Boulevard, City Project No. 8704 (PWC).
2. Accepted the bid and awarded the construction contract for the Irvington Area Pedestrian Improvements Project on Fremont Boulevard between Eugene Street and Washington Boulevard to the lowest responsive and responsible bidder, Sposeto Engineering, Inc., in the amount of \$193,245 and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Continued Funding to Fremont Unified School District for District-wide Recycling and Waste Management Program Coordination Totaling \$365,000 for a Five-Year Period Commencing July 2011**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Authorized the City Manager or designee to execute an agreement between the City of Fremont and the Fremont Unified School District for five-year grant funding (subject to annual City Council appropriation) of \$365,000 for FYs 2011/12 through 2015/16 to the Fremont Unified School District for continuation of district-wide recycling and waste management coordination.
2. Authorized City staff, upon execution of the agreement, to release the grant funds (\$70,000) for FY 2011/12 for FUSD district-wide recycling and waste management coordination.
3. Authorized City staff, subject to annual City Council appropriation, to release grant funds for FYs 2012/13, 2013/14, 2014/15, and 2015/16 upon successful completion of grant goals, tasks, and performance measures as outlined in the agreement.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Approval of Final Map for Tract 8049 and Improvement Agreement for Planning Area 5 Tract 8049 for the Construction of Public Streets (Bunche Drive and Pacific Commons Boulevard) and Dedication of Land and Public Easements - Pacific Commons**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council continued this item to the June 7, 2011 City Council meeting.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of a Planning Commission Recommendation to Introduce an Ordinance Adopting a Precise Planned District (P-2010-280), and to Approve a Preliminary Grading Plan, Private Street, Variance for a Modified Public Street, and Vesting Tentative Tract Map 8052 to Develop a 9-lot Single-Family Residential Subdivision on a Vacant Portion of the Seventh-Day Adventist Church Property (PLN2010-00280)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council continued the proposed project to June 7, 2011 to allow the applicant and staff additional time to review the revised exhibits, and reintroduce the ordinance at that time.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$1,317,717 to the Lowest Responsible Bidder for the Sabercat Creek Restoration Project, City Project No. 8658(PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Approved the Plans and Specifications for the Sabercat Creek Restoration Project between I-680 and Pine Street, City Project No. 8658 (PWC).
2. Accepted the bid and awarded the construction contract for the Sabercat Creek Restoration Project between I-680 and Pine Street, 8658 (PWC) to the lowest responsible bidder, Gordon N. Ball, Inc., in the amount of \$1,317,717 and authorized the City Manager or his designee to execute the contract.
3. Approved an appropriation of \$90,000 from Fund 123 City Urban Runoff Program to the Sabercat Creek Restoration Project, 123PWC8658.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.11 Mayor Wasserman opened consideration to Approve an Amendment to the Vehicle Replacement Fund (Fund 610) Appropriation in an Amount Not to Exceed \$611,555; Authorize the City Manager to Execute a Purchase Order with Kelly Equipment in an Amount not to Exceed \$303,264 for the Purchase of a Compressed Natural Gas (CNG) Broom Sweeper; Authorize the City Manager to Execute a Purchase Order with Municipal Maintenance Equipment, Inc., in an Amount not to Exceed \$308,291 for the Purchase of a Vac-Con Truck Mounted Combination Vacuum Pressure Storm Drain Cleaner**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Approved an appropriation amendment of \$611,555 to the FY 2010/11 Vehicle Replacement budget from the Vehicle Replacement Fund (Fund 610) fund balance for a total FY 2010/11 Vehicle Replacement Fund (Fund 610) appropriation of \$2,121,881.
2. Authorized the City Manager or designee to execute a purchase order with Kelly Equipment in an amount not to exceed \$303,264 for the purchase of a compressed natural gas broom sweeper utilizing the City of Bakersfield's low bid, IFB #10-11-12.

3. Authorized the City Manager or designee to execute a purchase order with Municipal Maintenance Equipment, Inc., in an amount not to exceed \$308,291 for the purchase of a Vac-Con truck mounted combination vacuum pressure storm drain cleaner by utilizing the City of Sunnyvale's low bid, IFB #1008-13.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Recognizing Sergeant Jeff Campbell for 20 Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS – None.

5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider Planning Commission Recommendation to Introduce an Ordinance Adopting a Major Planned District Amendment to P-2005-131 (Central Park South) Amending Conditions of Approval Related to Affordable Housing and Homeowner Association Requirements Located at 41075 Railroad Avenue in the Irvington Planning Area

Interim Community Development Director Jeff Schwob provided background information, reviewed proposed amendments and approved Affordable Housing Plan, discussed non-profit and for-profit scenarios and their differences and for-profit milestones and non-profit milestones. Mayor Wasserman opened the public hearing. Erica Salum (Pulte Homes representative) expressed support for the Major Planned District Amendment to modify conditions of approval related to affordable housing and the homeowners association to provide greater flexibility in this challenging economic period. There were no other speakers. Mayor Wasserman closed the public hearing. The applicant and staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found that, consistent with CEQA Guideline 15162, no changes to the project or site circumstances have occurred, nor has new information of substantial importance been discovered, and the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Plan are still valid and no further environmental analysis is required, and found this action reflects the independent judgment of the City of Fremont.

3. Found that proposed changes to the affordable housing plan and homeowners association requirements as shown in underline and strike-out in Exhibit “G,” Planned District P-2005-131, are in compliance with the City’s affordable housing ordinance and fulfill the applicable requirements set forth in the Fremont General Plan and Municipal Code.
4. Waived full reading and introduced an ordinance adopting amendments to the precise plan for P-2005-131, as shown on Exhibit “G,” findings and conditions of approval.
5. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra

Noes: None

Absent: None

Abstain: None

5.2 Mayor Wasserman opened consideration of Whether to Initiate Amending Certain Provisions of the City’s Affordable Housing Ordinance (Article 21.7 of Title VIII Chapter 2 of the Fremont Municipal Code) Relating to Timing and Implementation Standards for Affordable Housing Requirements and Alternative Affordable Housing Plans

Councilmember Dutra recused himself from participating on this item due to a financial conflict of interest related to the applicant being in escrow on the property in which he represents the seller. Councilmember Dutra left the Council Chambers.

Senior Planner Kelly Diekmann provided background information, reviewed the initiation request and three categories of modifications to the ordinance, outlined the review process for amendment and proposed schedule. Mayor Wasserman opened the public hearing. Jay Levin (Robson Homes) expressed support for an innovative Affordable Housing Plan for the Persimmon Park project. There were no other speakers. The applicant responded to questions from Councilmembers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

Initiated a zoning text amendment and directed staff to prepare a report to the Planning Commission for consideration of the proposed amendments at a public hearing for a recommendation to the city council related to:

- A. *Amending alternative housing plan timelines for previously approved projects*
- B. *Affordable housing plan implementation timelines*
- C. *Eligible off-site alternative housing plan housing types*
- D. *Modifications to clarify existing language and process*

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison

Noes: None

Absent: None

Abstain: Councilmember Dutra

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of a Presentation of Proposed FY 2011/12 Operating Budget

This item was taken out of order and heard before items listed under Scheduled Items (Agenda Item 5).

City Manager Fred Diaz provided an overview of the budget process. Finance Director Harriet Commons provided an economic and FY 2010/11 budget update, reviewed the FY 2011/12 proposed budget, including Council priorities, fiscal responsibility and balancing budget strategies, and provided highlights of the Redevelopment Agency budget and major projects and priorities for FY 2011/12. City Manager Diaz summarized the presentation and reviewed next steps. Staff responded to questions from Councilmembers. Councilmembers provided comment. No action was taken.

7.2 Mayor Wasserman opened consideration to Issue a Notice of Funding Availability (NOFA) for Use of Low and Moderate Income Housing Funds for Development of New Affordable Rental Housing

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-28 authorizing the issuance of a Notice of Funding Availability (NOFA) to solicit proposals for the development of affordable housing and authorizing the use of Housing Fund monies (as defined in the Executive Summary) to assist in the financing of such development.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	Councilmember Dutra
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Saumya Singhal to the Library Advisory Commission

By consensus of Councilmembers present (Councilmember Dutra was absent), Saumya Singhal was appointed to the Library Advisory Commission for a term to expire on December 31, 2013.

8.2 Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:35 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor